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4 Attorneys for plaintiff and counter-defendant  
5 MARVIN L. NIES

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10 SACRAMENTO DIVISION  
11  
12

13 MARVIN L. NIES,

14 Plaintiff,

15 v.

16 BRIAN DiCIANO, TEMO GONZALEZ, D&G )  
FARMS, and DOES 1 through 100, inclusive, )

17 Defendants. )  
18

19 AND RELATED COUNTERCLAIM )  
20

CASE NO. CIV.S-03-1991 DFL GGH

**STIPULATED REQUEST BY ALL  
PARTIES FOR EXTENSION OF  
TIME TO FILE DISMISSAL  
DOCUMENTS WITH COURT**

21 The parties hereto, by and through their attorneys of record, hereby stipulate that an  
22 extension of time is necessary for filing the dismissal documents with the Court following  
23 settlement of all claims. The extension is necessary because of difficulties arising from  
24 gathering all signatures on the final settlement agreement, the terms of which have been  
25 agreed to by the parties as represented by the attorneys. The attorneys represent that they  
26 have each made a good faith and reasonable attempt, to date, to acquire the signatures  
27 necessary to finalize the settlement, but have simply been unable to acquire the signatures of  
28 all parties in the time period provided by the Court.

1 As a result, a 60-day extension of time for filing the necessary dismissal papers is  
2 requested, giving the parties until November 8, 2005.

3 Dated: September 9, 2005

MALOVOS & MENDOZA, LLP

4  
5 By /s/ Joanna R. Mendoza  
6 Joanna R. Mendoza  
Attorneys for Marvin Nies

7 So stipulated:

8 Dated: September 9, 2005

DRISCOLL & ASSOCIATES

9  
10 By /s/ Thomas J. Driscoll, Jr.  
11 Thomas J. Driscoll, Jr.  
12 Attorneys for William A.  
13 Smith, Vina Smith, and Myrna  
Smith Gish, individually and dba  
Smith Nursery

14  
15 Dated: September 9, 2005

TRIEBSCH, FRAMPTON, DORIUS  
LIMA

16  
17 By /s/ Cory B. Chartrand  
18 Cory B. Chartrand  
19 Attorneys for Brian DiCiano,  
Temo Gonzalez and D&G Farms

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21 **IT IS SO ORDERED.**

22 DATED: September 9, 2005

23 /s/ David F. Levi  
24 DAVID F. LEVI  
25 United States District Judge  
26  
27  
28